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GLOBAL PERSPECTIVES ON RIGHTS OF NATURE: SUBSIDIARITY AS A GUIDING COMPASS

Abstract:

Amid the escalating triple planetary crisis—climate change, biodiversity loss, and pollution—legal cultures worldwide reflect evolving human-nature relationships. This paper examines the Rights of Nature as an emerging legal paradigm, analyzing key global case studies through the lens of subsidiarity. It situates the Rights of Nature within broader environmental regulatory frameworks and traces its development across legislative levels, from national constitutions to local ordinances. Through these examples, the paper illustrates how subsidiarity shapes the application of this concept, balancing local autonomy with higher-level governance. Additionally, it evaluates landmark court cases that invoke Rights of Nature in their rulings or reasoning, highlighting their legal significance. The paper also explores the concept's nascent emergence in Europe, identifying early trends and potential implications.

By mapping these cases, the analysis identifies shared characteristics, underscores distinctions, and evaluates subsidiarity's role in shaping effective environmental governance.

Keywords: *Rights of Nature, subsidiarity, environmental law, sustainability*

1. INTRODUCTION

Over the seventy-year history of environmental law, a renewed relationship between humanity and nature has emerged. Not only has the UN emphasized the appreciation of nature's nurturing role, but similar themes are also evident in the social teachings on creation care, such as Pope Francis' encyclical *Laudato Si'*^{1 2}

In 2009, the United Nations General Assembly declared April 22 as International Mother Earth Day through Resolution A/RES/63/278.³ In December 2010, the General Assembly adopted its second resolution on harmony with nature.⁴ Since 2011, the United

1 Pope Francis. (2015). *Laudato si'* encyclical letter On care for our common home. Vatican Press. Retrived: https://www.vatican.va/content/francesco/en/encyclicals/documents/papa-francesco_20150524_enciclica-laudato-si.html

2 Tahyné Kovács, Á. (2024). A természet jogai jelenségről világi-és egyházi felfogásban. *Pro Futuro*, 14(2).

3 Resolution A/RES/63/278, United Nations General Assembly, 2009.

4 United Nations General Assembly. (2010). Harmony with Nature (Resolution A/RES/65/164). <https://documents.un.org/doc/undoc/gen/n10/522/38/pdf/n1052238.pdf>

Nations has invited scientists, professionals, and stakeholders to participate in an interactive dialogue on International Mother Earth Day, promoting harmony with nature. Despite humanity's universal aspiration for environmental stewardship, failures in environmental protection persist. Legal frameworks have historically shaped the relationship between humanity and nature through environmental protection regulations.

Behind these environmental protection failures, economic profit motives are often evident, underscoring the growing importance of targeted environmental legal regulations.⁵ In accordance with the principle of subsidiarity, consensus among stakeholders is crucial in determining the most effective social regulatory instruments for protecting nature. This consensus is shaped by social processes, traditions, worldviews, historical institutional systems, geographical contexts, and legal family affiliations. In recent decades, three distinct legal regulatory concepts for nature and environmental protection have emerged, reflecting the level of regulatory development and, to varying degrees, influencing legislation beyond mere theoretical considerations.⁶

The dominant regulatory approach, anthropocentrism, views humanity as separate from and superior to nature, valuing living and non-living components of the environment only insofar as they serve human interests.⁷ While anthropocentrism does not inherently harm the environment, the Western thinking rooted in Roman law has been characterized by this perspective from the beginning. A significant evolution in this perspective has been the recognition of the interests of future generations.⁸

A distinct group of regulatory philosophies focuses on protecting and preserving the environment or its components for their own sake. Two primary approaches have emerged: the theory of nature's intrinsic value and a psychological-cosmological perspective, exemplified by Deep Ecology. Within non-anthropocentric frameworks, two branches of environmental ethics stand out: biocentrism and ecocentrism. Biocentrism prioritizes the natural world, viewing all living beings as equally valuable, equating the worth of animal life with that of humans.

This paper does not aim to compare these regulatory approaches. Instead, it highlights a relatively new phenomenon within the third regulatory concept—Rights of Nature—emerging in various parts of the world. Given the study's limited scope, it does not evaluate the phenomenon's effectiveness or its applicability within the European legal context. Among its manifestations, we focus on select local-level cases, as they illustrate the application of the principle of subsidiarity.

2. THE PRINCIPLE OF SUBSIDIARITY

As Gerd Winter emphasised, “[p]rinciples have legal value. By this, they are to be distinguished from political goals on the one side and moral values on the other. Some content of such goals or morals may nevertheless overlap with the content of a principle.

5 Tahyné Kovács, Á. (2023). A jelen és jövő generációk egészségének védelme és a génmódosítás szabályozása: Deregularizáció előtt áll-e az Európai Unió biotechnológiára vonatkozó szabályozása? *Glossa Iuridica*, 10(7), 119.

6 Bándi, Gy. (2022). *Környezetjog*. Budapest: Szent István Társulat az Apostoli Szentzség Kiadója. pp. 10–11.

7 Bányai, O. (2018). A környezetpolitika múltja, jelene, jövője – gondolatok egy könyv alapján. *Pro Futuro*, 218(1), 186.

8 Bándi (2022) 75–83.

Ronald Dworkin, the Anglo-Saxon authority in matters of principles proposes that principles should be understood to only contain individual rights. They should be distinguished from collective goals. Such goals are pursued, he says, not by principles but rather by policies. Arguments of principle are arguments intended to establish an individual right; arguments of policy are arguments intended to establish a collective goal. “Principles are propositions that describe rights; policies are propositions that describe goals.”⁹ Robert Alexy, Dworkin’s German counterpart, opposes this arguing that collective goals too can be given legal force which means that they can have the quality of principles.¹⁰ Dworkin views the quality of legal principles as rooted in the judiciary’s professional wisdom and interpretive judgment.

The Catholic principles of subsidiarity and solidarity, articulated as a framework of natural law in Pope Pius XI’s 1931 encyclical *Quadragesimo Anno*, emphasize that public authority should be built from the grassroots level. Subsidiarity holds that the state’s role is to empower individuals and communities to fulfill social and integrative functions, intervening only when they are unable to do so. Although the Catholic tradition extends subsidiarity to the relationship between government and society. This principle promotes a model of socially controlled, limited power, complemented by decentralization, ensuring that authority and competencies are delegated as close as possible to individuals and their communities.¹¹

The principle of subsidiarity in environmental law stipulates that environmental problems and regulations should be addressed primarily at the lowest appropriate level—local, regional, or national—escalating to higher levels (e.g., EU or international) only when the problem’s nature or impact necessitates it and lower-level measures are insufficient. This principle ensures that decision-making remains as close as possible to affected communities, accounting for local contexts, while enabling coordinated action for global or regional challenges, such as climate change or cross-border pollution. Subsidiarity is particularly prominent in the European Union’s environmental policy, balancing Member States’ autonomy with EU-level regulation.

The principle of subsidiarity was first incorporated into EU primary legislation in 1986 through the Single European Act, which referenced it in the context of environmental policy. In environmental protection, subsidiarity operates across multiple dimensions. It prioritizes local-level action, leveraging knowledge of local conditions for effective implementation, while also necessitating coordination among Member States for transboundary issues, such as cross-border pollution or global warming. Additionally, subsidiarity in EU law allows flexibility in implementation, as directives often set minimum requirements, enabling Member States to adapt measures to local contexts. Article 5 of the Treaty on European Union limits its application in the EU to the division of competences between Member States and the EU.¹²

For over thirty years, the principle of subsidiarity has shaped EU legislation, playing a central role in legal, political, and broader social discourse by defining the conditions under which regulatory authority is exercised.¹³

9 Dworkin, R. (1977). *Taking rights seriously*. Harvard University Press, p.90.

10 Winter, G. (2002). Principles of environmental protection. In Avosetta Group–Meeting (Vol. 22, pp. 1–14), p.1.

11 Pálné Kovács, I. (2017). Helyi önkormányzatok. In A. Jakab & B. Fekete (Eds.), *Internetes Jogtudományi Enciklopédia: Közigazgatási jog* (I. Balázs, Section Ed.). para. 12.

Retrieved: <http://ijoten.hu/szocikk/helyi-onkormanyzatok>

12 Winter, G. 2002.

13 Koller, B. (2023). A szubszidiaritás értelmezései és alkalmazásának lehetőségei az Európai Unióban.

Although the Rights of Nature movement originated primarily outside Europe, this study examines its alignment with the principle of subsidiarity through five key aspects: (i) the choice of regulatory level, (ii) the codifier's access to information, (iii) enforceability and compliance willingness, (iv) local cooperation, and (v) efficiency as a formulated goal.

3. THE RIGHTS OF NATURE CONCEPT

The Rights of Nature, a global initiative, phenomenon, and regulatory concept, fundamentally rethinks the relationship between humanity and nature, drawing on diverse local social traditions. Some radical proponents view it as an extension of human rights development.¹⁴ Over half a century ago, Christopher D. Stone, a Professor of Law at the University of Southern California, first proposed that natural entities should have legal rights.¹⁵

Although the party representing the valley, which challenged the decision to build the ski resort, lost the case in the notable *Sierra Club v. Morton* (1972), Justice William O. Douglas, in his dissenting opinion, referenced the concept of standing for natural entities, inspired by Christopher D. Stone's work. Stone, in his seminal article "Should Trees Have Standing?" (1972), developed the bioethical foundation for this theory. He argued that to protect nature, trees, rivers, mountains, and other natural formations could be granted legal rights, allowing a designated guardian to represent their interests in court.

The attribution of legal personality to ecosystems has, thus far, been largely symbolic. Beyond its recognition in some legal systems, this concept has opened new avenues for political and legal discourse. According to radical interpretations of the relationship between humans and nature, ecosystems—such as rivers, lakes, and mountains—could be granted rights akin to those of human or natural persons. This assertion is linked to the capacity to bring lawsuits to protect nature. The movement seeks a paradigm shift globally, placing nature at the core of legal and ethical frameworks. In its focus, this perspective aligns with the third group of regulatory philosophies mentioned earlier.

According to the doctrine, an ecosystem may be granted legal personality status, conferring the right to "defend" itself in court against harm, including damages from environmental degradation caused by specific development projects or climate change. The ecosystem is recognized as a "subject of rights," entitled to legal representation by a designated guardian—similar to a trustee—who acts in its name and for its benefit. Under this concept, the guardian is typically an individual or group with expertise in the condition, care, and management of the ecosystem. Additionally, the ecosystem is acknowledged to have the right to exist, flourish, maintain its life cycles, and develop naturally, free from human-induced disturbances.

The rights conferred on nature, as advocated by proponents, aim to ensure the highest level of environmental protection while underscoring the connection to the right to a clean and healthy environment. In many cases, these rights also intersect with the rights

Európai Tükör, 2023(1), 1–20. <https://doi.org/10.32559/et.2023.1.1>.

14 see also: Sheehan, L., Wilson, G., (2015) 'Fighting for our Shared Future: Protecting Both Human Rights and Nature's Rights'. Earth Law Centre, December 2015.

15 Stone, C. D. (1972). Should trees have standing? Toward legal rights for natural objects. *Southern California Law Review*, 45, 450–501.

of Indigenous communities to their habitats and cultural heritage, which may be impacted by environmental degradation. Although efforts to advance the rights of nature specifically target the protection of natural values, they can indirectly contribute to preventing and addressing human rights violations caused by climate change. However, their effectiveness compared to traditional legal instruments remains unproven.

The concept of granting rights to nature is rooted in legal cultures distinct from European legal traditions. In Latin America, where these values are particularly prominent, the relationship between people and nature carries a unique significance, shaped by the region's social, economic, educational, and legal contexts. This phenomenon is often recognized as a mechanism for Indigenous peoples to uphold their rights to the traditional use of natural resources while simultaneously protecting and preserving biodiversity.

4. THE EMERGENCE OF THE RIGHTS OF NATURE CONCEPT IN LEGAL FRAMEWORKS

Before examining the local manifestations of the Rights of Nature concept through the principle of subsidiarity, we will highlight key examples at higher legislative levels. Ecuador's 2008 Constitution was the first in the world to recognize the rights of nature at the constitutional level. These rights were enshrined as the rights of Pachamama (Mother Earth), reflecting Indigenous Kichwa cosmology and emphasizing the intrinsic value of ecosystems.

In 2009, Bolivia introduced environmental legislation that grants every citizen the right to "protect an environment suitable for the development of living beings." Although Bolivia's Constitution, enacted in 2009, did not explicitly codify the Rights of Nature, it laid the groundwork for subsequent legislation, notably the 2010 Law of the Rights of Mother Earth.¹⁶ This law recognizes *Madre Tierra* (Mother Earth) as a living entity with inherent rights, reflecting Indigenous Andean cosmologies and advancing the global Rights of Nature movement.¹⁷ In 2019, Uganda became the first African nation to recognize the Rights of Nature in its National Environment Act (Act 5 of 2019).¹⁸ Part I, Section 4 of the Act declares that "Nature has the right to exist, persist, maintain and regenerate its vital cycles, structure, functions and its processes in evolution," empowering individuals to bring legal actions to protect these rights.

Similarly, New Zealand's Te Urewera Act 2014 marked a global milestone by granting legal personhood to Te Urewera, a former national park, recognizing it as a living entity with "all the rights, powers, duties, and liabilities of a legal person." This legislation, rooted in Māori Tūhoe cosmology, establishes a Te Urewera Board to act as its guardian, prioritizing its intrinsic worth and Indigenous cultural values. In Colombia, the Constitutional Court's 2016 ruling recognized the Atrato River, its basin, and tributaries as an entity entitled to protection, conservation, maintenance, and restoration, with guardianship shared by the state and Indigenous communities. These legislative and judicial advancements, alongside Ecuador's 2008 Constitution and Bolivia's 2010 Law of the Rights

16 Ley de Derechos de la Madre Tierra. <https://www.bivica.org/file/view/id/2370>

17 see also: Svampa, M., Stefanoni, P., & Fornillo, B. (2010). *Debatir Bolivia: Perspectivas de un proyecto de descolonización*.

18 THE NATIONAL ENVIRONMENT ACT, 2019, Uganda. <https://nema.go.ug/sites/all/themes/nema/docs/National%20Environment%20Act,%20No.%205%20of%202019.pdf>.

of Mother Earth, exemplify the growing global recognition of the Rights of Nature at higher legislative and judicial levels, often driven by Indigenous philosophies.

5. EMERGENCE OF THE RIGHTS OF NATURE CONCEPT IN LOCAL REGULATIONS

5.1. Local Decree Form

In the United States, the Rights of Nature movement has manifested at the local level, notably in 2010 when the Pittsburgh City Council unanimously passed an ordinance recognizing the rights of nature. This Community Bill of Rights, enacted on November 16, 2010, as part of a ban on shale gas drilling and hydraulic fracturing, declares that “Natural communities and ecosystems, including, but not limited to, wetlands, streams, rivers, aquifers, and other water systems, possess inalienable and fundamental rights to exist and flourish.” It empowers residents to bring legal actions on behalf of ecosystems and prohibits activities that violate these rights, aligning with the principle of subsidiarity by embedding environmental protections in local governance.

In 2019, the city of Toledo, Ohio, passed the Lake Erie Bill of Rights, a municipal ordinance that recognized Lake Erie as a legal entity with inherent rights to “exist, flourish, and naturally evolve.” Enacted on February 26, 2019, through a citizen-led special election, the ordinance empowered Toledo residents and the city to enforce these rights against activities, such as agricultural runoff and industrial pollution, that threaten the lake’s ecosystem. Although the ordinance was invalidated by a federal court in 2020,¹⁹ it remains a significant example of local governance advancing the Rights of Nature in the United States, following the precedent set by Pittsburgh’s 2010 Community Bill of Rights.

In 2019, the Drewes Farms Partnership, a farming operation, filed a lawsuit against the City of Toledo, arguing that the Lake Erie Bill of Rights imposed liability for standard field fertilization practices due to its vague provisions. On February 27, 2020, the U.S. District Court for the Northern District of Ohio ruled in *Drewes Farms Partnership v. City of Toledo* (Case No. 3:19-cv-434) that the ordinance was “invalid in its entirety.” The court found the Lake Erie Bill of Rights to be unconstitutionally vague, as it failed to provide clear standards for enforcement, and determined that it exceeded Toledo’s municipal authority under Ohio law, which preempts local environmental regulations. Efforts to revive the ordinance through Ohio state courts were unsuccessful, as subsequent appeals and related lawsuits failed to overturn the federal ruling.

Although cooperation among community groups, such as Toledoans for Safe Water, and local authorities was achieved, the ordinance’s effectiveness was undermined by these legal and practical challenges. Nevertheless, the Lake Erie Bill of Rights remains a significant example of subsidiarity in action

5.2. Federal Resolution Regulation

In North America, a notable example of the Rights of Nature emerged in 2021 when the Innu Council of Ekuanitshit and the Minganie Regional County Municipality

19 *Drewes Farms Partnership v. City of Toledo*

in Québec, Canada, granted legal personhood to the Magpie River (Muteshekau Shipu) to protect its ecosystem from proposed hydroelectric and mining activities. This initiative, supported by the Alliance Muteshekau Shipu and the Canadian Observatory on the Rights of Nature, recognized the river's rights to exist, flow, and be free from pollution, reflecting community and Indigenous efforts to preserve its ecological and cultural significance (Municipalité Régionale de Comté de Minganie, 2021).

In February 2021, the Muteshekau-shipu Alliance announced the adoption of two parallel resolutions recognizing the Magpie River (Muteshekau Shipu in the Innu-aimun language) as a legal entity with personhood and inherent rights. The first resolution was passed by the Innu Council of Ekuanitshit on February 16, 2021, followed by a resolution from the Minganie Regional County Municipality (RCM) in Québec's Côte-Nord region on February 23, 2021. These resolutions granted the river nine rights, including the right to exist, flow, evolve naturally, be free from pollution, and be represented in court. The Innu Council of Ekuanitshit, alongside representatives from the Minganie RCM, were designated as the river's legal guardians, bearing primary responsibility for upholding these rights. The Muteshekau-shipu Alliance, comprising the Innu Council of Ekuanitshit, the Minganie RCM, the Canadian Parks and Wilderness Society (CPAWS) Québec, and the Eau Vive Minganie Association, exemplifies robust local cooperation in the legislative process. During the development of these resolutions, extensive ecological and cultural information about the river was gathered, enhancing community support and compliance with the new legal framework. This initiative, driven by Indigenous and local governance, aligns with the principle of subsidiarity and complements other Rights of Nature efforts.

5.3. *The Mar Menor Act*²⁰

In 2022, Spain became one of the first European nations to enact a national law recognizing the Rights of Nature, granting legal personhood to the Mar Menor lagoon and its basin in Murcia, Spain. In 2020, a coalition of non-governmental organizations, including Instituto de Transición Justa and local advocacy groups, drafted a bill asserting that the Mar Menor and its basin have the right to protection, preservation, maintenance, and, where appropriate, restoration." This citizen-led initiative, supported by a popular legislative proposal (*Iniciativa Legislativa Popular*), collected over 600,000 signatures by August 2021 to secure a parliamentary vote. On April 5, 2022, the Spanish Congress of Deputies voted 274 to 53 to approve the draft law, granting the Mar Menor legal personality with rights to exist, be protected, and be restored. On July 13, 2022, the Congress's Committee on Ecological Transition and Demographic Challenge finalized the bill and forwarded it to the Spanish Senate. On September 21, 2022, the Senate ratified the law with 230 votes in favor and 3 against, officially recognizing the Mar Menor and its basin as a legal entity with designated guardians, including community representatives, to enforce its rights. This landmark legislation, driven by local and national cooperation, aligns with the principle of subsidiarity by addressing the Mar Menor's ecological crisis—caused by agricultural runoff, mining, and tourism—at the lowest effective governance level while complementing global Rights of Nature frameworks,

20 The Mar Menor Act (Ley 19/2022, 2022)

Version in force on 3 October 2022 Granting Mar Menor and its basin status of a legal person Act 19/2022, dated 30th September. Retrieved:

https://www.um.es/documents/23559040/35080450/LEY+19_2022+IN+ENGLISH.pdf/2b874650-7475-8530-4aa9-edc1e519370b?version=1.0&t=1667582135802&download=true

The governance framework for the Mar Menor's legal personhood, established by Spain's Law 19/2022, includes a Representative Committee, an Audit Committee, and a Scientific Committee. The Representative Committee comprises three central government members, three regional government members from Murcia, and seven civil society representatives, ensuring a balanced approach to managing the lagoon's rights. The Audit Committee, composed of delegates from Mar Menor communities, monitors compliance with the law. A Scientific Committee provides ecological and technical expertise to support decision-making. Articles 10 and 11 of Law 19/2022 confer legal guardianship and representation of the Mar Menor lagoon and its basin on the public administration, with active involvement from local communities, the Scientific Committee, and the Audit Committee. A key regulatory feature is the authorization of any natural person to enforce the Mar Menor's rights—such as protection, preservation, maintenance, and restoration—on an *actio popularis* basis, allowing citizens to initiate legal actions on behalf of the lagoon. This participatory mechanism, rooted in local cooperation and supported by robust governance, exemplifies the principle of subsidiarity and strengthens the Mar Menor's legal framework within the global Rights of Nature movement.

On August 31, 2023, a court in Cartagena, Spain, marked a significant milestone by applying Law 19/2022. The case investigated hazardous mining waste discharges from the Los Blancos landfill into the lagoon, alleging violations of the Mar Menor's rights to protection, conservation, maintenance, and restoration. Pursuant to Article 6 of Law 19/2022, the court summoned the Committee of Representatives, designated as the lagoon's guardians, to appear as a private prosecutor in the criminal proceedings and to pursue civil action for damages on behalf of the lagoon. The court order invited several NGOs (Greenpeace, ANSE, and SOS Mar Menor) and seven local municipalities to participate, reinforcing the principle of social participation embedded in the law's *actio popularis* mechanism. This case, one of the first in Europe to enforce a Rights of Nature law in court, underscores the Mar Menor's legal framework as a pioneering model.

Under the principle of subsidiarity, which prioritizes decision-making at the most local effective level, the Mar Menor Act demonstrates an ideal regulatory approach to protect the natural element. The Spanish legislature, informed by extensive ecological data on the lagoon's degradation (e.g., eutrophication from agricultural runoff, mining, and tourism) and robust citizen support (over 600,000 signatures for the 2020 *Iniciativa Legislativa Popular*), crafted a clear and participatory legal framework. The involvement of the Committee of Representatives, Audit Committee (Comité de Seguimiento), and Scientific Committee (Comité Científico), alongside the *actio popularis* mechanism, exemplifies strong local cooperation among communities, NGOs, and public authorities. This cooperation enhances the law's potential effectiveness, though enforceability remains contingent on judicial interpretation and government commitment, as seen in the 2023 Los Blancos case. The Mar Menor's governance model, rooted in community-driven advocacy and supported by scientific expertise, aligns with subsidiarity by addressing the lagoon's crisis at the intersection of local and national governance, contributing to the global Rights of Nature movement.

6. CONCLUSION: FEATURES OF SUBSIDIARITY IN LOCAL RIGHTS OF NATURE REGULATIONS

The Rights of Nature concept, as observed in various examples, reveals common features that address environmental challenges in biodiverse regions, particularly those inhabited by indigenous communities. These areas often face significant and ongoing

environmental damage, threatening the livelihoods of indigenous peoples and drawing the attention of authorities. In such cases, legislation emerges that grants special rights to nature, typically at the local level, ensuring relevance and proximity to the affected communities.

The principle of subsidiarity is central, as regulations are crafted at the level closest to the impacted community, fostering cooperation among stakeholders. This approach positions the legislation as a collaborative solution. A designated spokesperson or guardian for nature serves as a mediator among indigenous communities, authorities, and courts, extending beyond traditional litigation roles. In some instances, multiple institutions simultaneously represent the natural ecosystem. A guardian acts in legal proceedings, while another body may advocate for the harmonious coexistence of indigenous peoples with their environment, emphasizing their close-to-nature lifestyle. Additionally, professional bodies sometimes provide scientific expertise to support the guardian or representative entity, as seen in the case of Spain's Mar Menor lagoon. These cases often involve multi-polar conflicts, extending beyond a simple clash of economic and environmental interests. They encompass the political and economic vulnerability of indigenous communities and their sustainable way of life. The scope of nature's rights varies across examples, typically focusing on specific ecosystems such as valleys, river basins, or lagoons. The Rights of Nature framework demonstrates that subsidiarity ensures legislators receive comprehensive information about the ecosystem in question and the affected community's capacity to implement regulations. This was particularly evident in the Mar Menor Act, where local engagement and scientific input facilitated effective environmental protection.



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GLOBALNE PERSPEKTIVE O PRAVIMA PRIRODE: SUPSIDIJARNOST KAO VODEĆI KOMPAS

Apstrakt:

Usred eskalirajuće trostruke planetarne krize — klimatskih promena, gubitka biodiverziteta i zagađenja — pravne kulture širom sveta odražavaju razvoj odnosa između čoveka i prirode. Ovaj rad ispituje Prava prirode kao novi pravni paradigmu, analizirajući ključne globalne studije slučaja kroz prizmu supsidijarnosti. Koncept Prava prirode pozicionira unutar širih regulatornih okvira zaštite životne sredine i prati njegov razvoj kroz zakonodavne nivoe, od nacionalnih ustava do lokalnih uredbi. Kroz ove primere, rad ilustruje kako supsidijarnost oblikuje primenu ovog koncepta, balansirajući lokalnu autonomiju sa upravljanjem na višem nivou. Pored toga, ocenjuje značajne sudske slučajeve koji u svojim presudama ili obrazloženjima pozivaju na Prava prirode, ističući njihov pravni značaj. Rad takođe istražuje početno pojavljivanje ovog koncepta u Evropi, identifikujući rane trendove i potencijalne implikacije. Mapiranjem ovih slučajeva, analiza identifikuje zajedničke karakteristike, naglašava razlike i procenjuje ulogu supsidijarnosti u oblikovanju efikasnog ekološkog upravljanja.

***Ključne reči:** Prava prirode, supsidijarnost, ekološko pravo, održivost*

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